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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/710,154      | 11/09/2000  | Gary Como.           | 10022/18            | 4580             |

33391 7590 08/14/2006  
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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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3639

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/710,154             | COMO. ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Akiba RobinsonBoyce    | 3639                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### Status of Claims

1. In response to a teleconference with applicant's representative on 01 August 2006, examiner is withdrawing the last office action of record mailed on 19 May 2006 is hereby withdrawn and a new action follows. Claims 23-33 have been canceled, thus claims 1-22 and 34-37 remain pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12, 18-22 and 34-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Hafner et al, U.S. Patent No. 5,893,076

As per **Claims 1-2, 11 and 21**, Hafner et al disclose a method for planning a business decision, the method comprising the steps of:

- obtaining requirement-indicating data or demand-indicating data of a first entity with respect to a transactional subject (Col. 2, lines 45-47; Col. 3, line 65-Col. 4 line 12; Col. 4, lines 17-28; Col. 5, lines 15-20; Col. 6, lines 12-20);
- automatically transmitting the obtained requirement-indicating data or demand-indicating data from a first business entity to a second business entity over a communications network (Col. 2, lines 47-50; Col. 3 line 65-Col. 4 line 12; Col. 5, lines 15-20, Col. 6, lines 12-20);
- automatically feeding the transmitted requirement-indicating data or demand-indicating data into an electronic processor (Forecasting engine, Figure 3, 230) for monitoring the transactional subject or

demand-indicating data, the electronic processor being associated with an electronic processing system (Replenishment system, 10, Figure 3) of the second business entity(Figure 3; Col. 2, lines 47-50; Col. 3 line 65-Col. 4 line 12; Col. 4, lines 50-55; Col. 5, lines 17-25 and 34-55; Col. 6, lines 20-25)(Examiner notes that the replenishment system of Hafner et al is considered by the examiner to be part of the second business entity since Hafner et al indicates that his system allows for cost efficient, secure and flexible inventory forecasting and replenishment which may be maintained by suppliers (Col. 2, lines 5-10)); and

- generating a business decision of the first business entity and the second business entity that is based on the requirement-indicating data or demand-indicating data and that is made solely by the electronic processing system without the need for manual data entry into or manual data extraction from the electronic processing system(Col. 2, lines 23-25; Col. 2, lines 47-55; Col. 4, lines 28-34 and 43-55; Col. 5, lines 42-60; Col. 6, lines 23-32). Examiner submits that the replenishment system of Hafner et al correlates to the electronic processing system as claimed and is considered part of the second business entity since Hafner et al indicates that his system allows for cost efficient, secure and flexible inventory forecasting and replenishment which may be maintained by suppliers (Col. 2, lines 5-10)).

Examiner notes that applicant's specification defines requirement-indicating data as information that is useful in managing or conducting a commercial activity or a transaction involving a transactional subject (Specification, Page 5, lines 7-10). Applicant's specification further defines requirement-indicating data as data that may represent forecast data, demand data, consumption data, inventory data, or any other data that impacts characteristics of a transaction or commercial activity involving the transactional subject (Specification, page 9, lines 18-21), wherein inventory data represents a measure of an inventory level of a transactional subject (Specification, page 9, lines 24-25), and consumption data represents an increase, a decrease, rate of increase, or rate of decrease of inventory of a transactional subject (Specification, page 9, lines 25-27). Hafner et al discloses that the data being obtained is inventory information such as point of sale data or inventory adjustment information such as quantities of goods sold and returned as well as decreases in safety stock and loss of inventory (Col. 4, lines 1-12; Col. 6,

lines 11-20). Thus, examiner submits that Hafner et al teach obtaining and processing the particular type of data as defined in applicant's specification.

Examiner also notes that applicant's specification indicates that demand-indicating data includes forecast data and demand data and that the forecast data may represent the prospective demand of the first business entity for a product, service, good, financial transaction, or material provided by the second business entity. The demand data represents an actual, a present, or an estimated demand for good, service, product, material, or financial transaction provided by the second business entity to the first business entity (Specification, page 14 line 27 – page 15 line 5). Hafner et al discloses that the data being obtained is inventory information such as point of sale data or inventory adjustment information such as quantities of goods sold and returned as well as decreases in safety stock and loss of inventory (Col. 4, lines 1-12; Col. 6, lines 11-20). Examiner submits that this information taught by Hafner et al represents an actual or present demand for a good or product. Hafner et al further disclose a forecasting engine for predicting future inventory needs based on inputs from an inventory activity file and stock data file (Col. 5, lines 15-48). Thus, examiner submits that Hafner et al teach obtaining and processing the particular type of data as defined in applicant's specification.

As per **Claim 3**, Hafner et al further disclose wherein the obtaining step comprises obtaining inventory-tracking data, the inventory-tracking data including at least one of consumption data and inventory data (Col. 4, lines 1-12; Col. 5, lines 15-23 and 34-36; Col. 6, lines 12-25).

As per **Claim 4**, Hafner et al further disclose wherein the generating step comprises generating an order as the business decision, the order being for the transactional subject based on the requirement-indicating data (Col. 4, lines 43-55; Col. 5, lines 42-55; Col. 6, lines 22-32).

As per **Claim 5**, Hafner et al further disclose wherein the generating step comprises generating a shipping instruction as the business decision, the shipping instruction being for the transactional subject based on the requirement indicating data (Col. 4 line 63-Col. 5 line 3).

As per Claim 6, Hafner et al further disclose wherein the feeding step comprises feeding the transmitted requirement-indicating data into an enterprise resource planning system as the electronic processor (Figures 1 and 3; Col. 3, lines 28-31; Col. 3 line 65-Col. 4 lines 5; Col. 5, lines 7-55). Examiner considers the replenishment system taught by Hafner et al to be equivalent to the "enterprise resource planning system" as claimed.

As per Claim 7, Hafner et al further disclose wherein the obtaining step comprises extracting a subset of the requirement-indicating data from a requirement-indicating database associated with an enterprise resource planning system (Col. 5, lines 34-48; Col. 6, lines 22-26).

As per Claim 8, Hafner et al further disclose wherein the transmitting step comprises transmitting superseding requirement-indicating data on an as-needed basis to replace prior requirement-indicating data at the second business entity (Col. 4, lines 1-12; Col. 5, lines 15-33; Col. 6, lines 10-22; inventory adjustment data is considered by examiner to be data that is superseding prior inventory data).

As per Claim 9, Hafner et al further disclose wherein the transmitting step comprises transmitting differential data for expressing a change with respect to prior requirement indicating data at the second business entity (Col. 4, lines 1-12; Col. 5, lines 15-33; Col. 6, lines 10-22; inventory adjustment data is considered by examiner to be data that is differential data for expressing a change with respect to prior inventory data).

As per Claim 10, Hafner et al further disclose wherein the generating step comprises generating the business decision on production of the transactional subject based on an exchange of the requirement-indicating data at a regular interval, the regular interval having a duration that depends upon a nature of the business of the first business entity and the second business entity (Col. 5, lines 34-55 and Col. 6,

lines 22-30; Col. 10, lines 46-60). Hafner et al disclose that the forecasting processing sub-system includes a scheduler function that is maintained and controlled by the supplier. The forecasting sub-system generates the business decision based on new or exchanged requirement-indicating data either on demand or based on the scheduler. Thus, the duration of the interval is controlled by the supplier based upon the nature of the business.

As per **Claim 12**, Hafner et al further disclose wherein the obtaining step comprises accessing the demand-indicating data in a database associated with an enterprise planning resource system (Col. 5, lines 15-48).

As per **Claim 18**, Hafner et al further disclose displaying the demand-indicating data for a user affiliated with one of the first business entity and the second business entity (Col. 11, lines 20-28).

As per **Claim 19**, Hafner et al further disclose wherein the business decision comprises deciding to change the manufactured quantity of a material as the transactional subject (Col. 4, lines 28-32; Col. 6, lines 25-42; Col. 8, lines 1-10).

As per **Claim 20**, Hafner et al further disclose wherein the business decision comprises deciding to change a supply of material to fulfill a firm demand derived from the demand-indicating data (Col. 4, lines 28-32; Col. 6, lines 25-42; Col. 8, lines 1-10).

As per **Claim 22**, Hafner et al further disclose wherein the first business entity represents a customer of a material as the transactional subject and wherein the second business entity represents a supplier of the material (Figure 1; Col. 3 line 64-Col. 4 line 60).

As per **Claims 34-37**, Hafner et al further disclose wherein the business decision comprises an order processing decision, procuring a production material, engaging in a commercial transaction or purchasing the transactional subject (Col. 4, lines 43-62; Col. 5, lines 40-55; Col. 6, lines 20-42).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner et al, U.S. Patent No. 5,893,076.

As per **Claims 13 and 17**, Hafner et al disclose wherein the obtaining step comprises updating demand-indicating data in the database (Col. 6, lines 1-7, 12-25 and 39-43). Hafner et al fail to explicitly disclose that this data is updated on a daily basis after an end of a business day and prior to a beginning of a next successive business day. However, Hafner et al disclose that this data is updated after the retailer either sells or loses goods (Col. 6, lines 12-14) and further discloses that any changes in stock due to the PO are communicated and stored in the stock data file (Col. 6, lines 39-43). Hafner et al further disclose that the forecasting engine runs either on demand or when requested by a scheduler (Col. 5, lines 42-50) that is controlled by the user (Col. 10, lines 58-60). Examiner submits that it would have been obvious to one having ordinary skill in the art at the time of invention that the interval for updating the data would be any interval established by the users of the system depending on the nature of the business. For a business that sells a significant amount of stock in a particular day such as WalMart, it would have been obvious to one having ordinary skill in the art to program the scheduler to update the data on a daily basis so that stock levels and demand data is accurately reflected.



6. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner et al, U.S. Patent No. 5,893,076 in view of Meltzer et al, U.S. Patent No. 6,125,391.

As per **Claims 14-16**, Hafner et al further disclose extracting a relevant portion of the demand-indicating data from the database (Col. 5, lines 15-48), however, fails to explicitly disclose formatting the extracted relevant portion of the demand-indicating data into an extensible mark-up language document. Meltzer et al disclose a system for using documents for commerce in trading partner networks and further disclose a system for parsing structured information and formatting the information into an XML based document and further translating an XML based document into other structured formats (Col. 2, lines 60-67; Col. 3, lines 20-30 and 45-50; Col. 5, lines 50-56; Col. 7, lines 55-61; Col. 10, lines 29-38; Col. 10 line 65-Col. 11 line 10; Col. 26, lines 18-39; Col. 82, line 58-Col. 83 line 28). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the teachings of Hafner et al and incorporate the ability to format information into XML based documents and translate XML based documents into other formats acceptable to a particular business' system as taught by Meltzer et al. Meltzer et al provides motivation by specifically indicating that this would facilitate a virtual enterprise or trading community such that trading partners would only need to agree on the structure, content and sequencing of the business documents they exchange and enables a business to present a clean and stable interface to its business partners despite changes in its internal technology implementation, organization or processes (Col. 82, lines 59-67 and Col. 83, lines 20-30).

Furhermore, applicant admits that data format translators and converters to and from XML files were known in the art and commercially available at the time of the invention (See Specification, Page 8, lines 3-11).

### ***Conclusion***

7. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual

claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Lucas discloses an inventory control system that monitors a company's inventory and automatically orders needed items based on customer demand
- Sharma et al disclose a system for rapid ordering of business supplies and automatically communicating an order of items to a remote computer
- Salvo et al disclose an inventory management system and disclose monitoring inventory amounts and estimated future use to decide if an order for replacing inventory should be made, and if so, then an order is placed automatically to a supplier and the progress for the delivery is automatically monitored
- Tarr discloses a system for facilitating electronic purchasing and discloses an ERP system that automatically checks for inventory availability and automatically processes orders. Tarr discloses an ERP system that generates purchase orders whenever a predetermined inventory replenishment level is reached
- Sandoval discloses a system for integrating business and manufacturing environments and discloses using modeling and setpoints to control manufacturing operations
- Roden et al disclose a method for owning, managing, automatically replenishing and invoicing inventory items according to the forecast of demand
- Yang et al disclose an electronic marketplace providing service parts inventory planning and management based on demand forecasting
- Green et al discloses a method for normalizing and converting structured content to/from XLM format
- Gosko discloses a translator for use in an automated order entry system and teaches translating documents to/from XML format as well as other formats

- Joseph et al disclose a method for ordering items using electronic catalogs and teach translating transactions between buyers and sellers using preferred formats such as XML and EDI
- Sarkar discloses enterprise resource planning systems and teaches translating documents to/from XML format to facilitate trading between business partners

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (571)272-6708. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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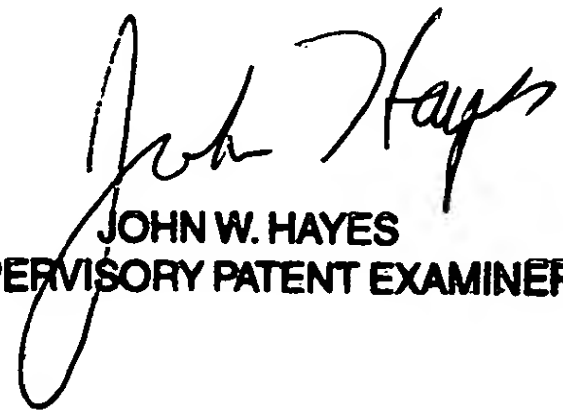
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Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

  
**JOHN W. HAYES**  
**SUPERVISORY PATENT EXAMINER**